

Article - General Provisions

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§8–102.

(a) This section does not apply to claims, records, or statements related to State or local taxes.

(b) A person may not:

(1) knowingly present or cause to be presented a false or fraudulent claim for payment or approval;

(2) knowingly make, use, or cause to be made or used a false record or statement material to a false or fraudulent claim;

(3) conspire to commit a violation under this title;

(4) have possession, custody, or control of money or other property used or to be used by or on behalf of a governmental entity and knowingly deliver or cause to be delivered to the governmental entity less than all of that money or other property;

(5) (i) be authorized to make or deliver a receipt or other document certifying receipt of money or other property used or to be used by a governmental entity; and

(ii) make or deliver a receipt or document intending to defraud the governmental entity, knowing that the information contained in the receipt or document is not true;

(6) knowingly buy or receive as a pledge of an obligation or a debt publicly owned property from an officer, employee, or agent of a governmental entity who lawfully may not sell or pledge the property;

(7) knowingly make, use, or cause to be made or used a false record or statement material to an obligation to pay or transmit money or other property to a governmental entity;

(8) knowingly conceal, or knowingly and improperly avoid or decrease, an obligation to pay or transmit money or other property to a governmental entity, including misrepresenting the time at which a trade was made to make the transaction appear less favorable; or

(9) knowingly make any other false or fraudulent claim against a governmental entity.

(c) (1) A person that is found to have violated subsection (b) of this section is liable to the governmental entity for:

(i) a civil penalty of not more than \$10,000 for each violation;
and

(ii) an additional amount of not more than three times the amount of damages that the governmental entity sustains as a result of the acts of that person in violation of subsection (b) of this section.

(2) The total amount owed by a person under paragraph (1) of this subsection may not be less than the amount of the actual damages the governmental entity incurs as a result of the person's violation of subsection (b) of this section.

(d) In determining the appropriate amount of fines and damages under subsection (c) of this section, the court shall consider:

(1) the number, nature, and severity of the violations of this title for which the person has been found liable;

(2) the number, nature, and severity of any previous violations of this title;

(3) the degree of loss suffered by the governmental entity;

(4) the person's history of billing compliance;

(5) whether the person has a compliance program in place;

(6) the extent to which the person has taken steps to address and correct the violation since the person became aware of the violation;

(7) any funds previously returned to the governmental entity in compliance with federal requirements regarding overpayments, to the extent the funds represented losses to the governmental entity caused by the violation;

(8) (i) whether the person self-reported the violation;

(ii) the timeliness of the self-reporting;

(iii) the extent to which the person otherwise cooperated in the investigation of the violation; and

(iv) the extent to which the person had prior knowledge of an investigation or other action relating to the violation; and

(9) any other factor as justice requires.

(e) The penalties provided in subsection (c) of this section are in addition to any criminal, civil, or administrative penalties provided under any other State or federal statute or regulation.

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